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SPECIFICATIONS

FOR

DESCRIPTIONS OF TRACTS OF LAND

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BOARD OF SURVEYS AND MAPS OF THE
FEDERAL GOVERNMENT

SPECIFICATIONS
FOR
DESCRIPTIONS OF TRACTS OF LAND

FOR USE IN EXECUTIVE ORDERS AND PROCLAMATIONS

PREPARED BY THE
COMMITTEE ON CADASTRAL SURVEYS

UNITED STATES
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SPECIFICATIONS FOR DESCRIPTIONS OF TRACTS OF LAND

FOR USE IN EXECUTIVE ORDERS AND PROCLAMATIONS

INTRODUCTION

The rules and specifications for the description of boundaries or subdivisional units are grouped under the first seven headings:

I. General rules
II. The public domain
III. Metes-and-bounds surveys
IV. Tracts shown upon miscellaneous plats
V. Boundaries conforming to natural features of topography
VI. Undesirable forms of boundaries
VII. Maps

The additional rules which require consideration in association with the subject in hand are grouped under the last three headings:

VIII. The choice between an Executive order and a proclamation
IX. Provisions of Executive Order No. 5658
X. Style and editorial arrangement

The examples given include "norms" and other exemplifications of good form which can ordinarily be employed. The "norms" are normal examples of good descriptions, as regards terminology, phraseology, punctuation, paragraphing, etc. All norms and other examples of good form are printed in facsimile typewriter type.

Examples of poor form are introduced where necessary to bring out more sharply the desirable features of the norms, by indicating clearly what to avoid. The examples of poor form are identical in intent with the selected examples which precede them; some are taken verbatim from existing Executive orders and proclamations, except that, in order to avoid calling undue attention to the particular documents from which they were taken, occasional changes have been made in angles, distances, proper names, and unessential details.

I. GENERAL RULES

Certainty of Proper Interpretation

Each description of a tract of land should be susceptible of one and only one interpretation.

Whenever an executive department or establishment of the Federal Government has occasion to describe or to specify any parcel of land, by boundary or subdivisional unit, the description should be a model of precision just as far as the available survey data permit. The description of the boundaries should be as good as the survey—that is, the survey facts should be stated in such a manner that they will mean to any engineer exactly what they meant to the surveyor of the tract.

> "The only rule that can be definitely given for the writing of deed descriptions is . . . that the scrivener should place himself as nearly as possible in the seats which will be occupied by those who, twenty years hence, attempt to lay down the grant, and, remembering the temporal nature of all material things, describe the land conveyed with such clarity and certainty that the intention as effectively expressed will be as significant to the next generation as it is to the writer." (R. H. Skelton, *The Legal Elements of Boundaries and Adjacent Properties*, p. 46.)

Simplicity and Clarity of Expression

Simplicity and clarity should be obtained through proper regard for established good usage as to terminology, phraseology, punctuation, arrangement, and paragraphing.

The specifications and norms which have been prepared are designed to set forth what is believed to be established good usage in such matters. Most of the examples and norms are not copied verbatim from Executive orders and proclamations, but are improvements upon the form found in existing orders. Some data have been supplied, either by computation or by reference to original records, in order to make complete, proper descriptions.

Regard for Good Precedents

A good precedent should be established if none exists.

Many of the descriptions of tracts of land that have been embodied in Executive orders and proclamations in past years were apparently drafted by persons who knew little about surveying, and many such drafts can be materially improved if critically reviewed. Frequently the chance wording on a blue print has been copied. Poor drafting of descriptions in former years does not justify poor drafting in the future. If an appropriate form is not found in the examples shown herein, and if a good precedent is not found in available Executive orders and proclamations, the description should be formulated with much care, in order to establish a good precedent.

Review

The description of the tract of land should be written by an engineer if there is any question as to meaning or form, and the completed draft of the Executive order or proclamation, before being transmitted to the Department of State, should be reviewed by an officer who is familiar with surveying technique.

The drafting of Executive orders and proclamations, which necessarily calls for a citation of the appropriate statutes or previous Executive orders and proclamations, or reference to decisions of the Federal courts, is presumably the duty of a law officer, or is subject to review on the correctness of the legal subject matter.

Equal care should be taken to formulate the description of a tract in plain technical terms, and each description should be scrutinized by an officer qualified in surveying technique, before being forwarded by the originating office to the Department of State, preparatory to its transmission to the White House for signature by the President. The person who reviews the description critically should have before him an authentic map, plat, or diagram of the tract of land referred to.

When the draft of an Executive order or proclamation is forwarded to the Department of State (as required by Executive Order No. 5658) for transmission to the President, the originating office should enter in its records the sources of the description and the officer responsible for its accuracy, for the purpose of verification should any question arise.

II. THE PUBLIC DOMAIN

Use of General Land Office Terminology

If public lands are involved, the description (or the map) should conform to the accepted nomenclature in use by the General Land Office, comprising the name of the proper reference meridian, the appropriate township and range numbers, and, if necessary, the established subdivisions of the township.

If the lands have been surveyed, the description should cite the specific legal subdivisions shown on the accepted plat or plats of the survey; if the lands have not been surveyed, the description or map should be made to conform, if possible, to the legal subdivisions that will, when established, include the lands.

A regular township is a unit of the public-land surveys, rectangular in form, located with reference to one of the 34 established principal meridians, or by similar designation in the State of Ohio. The township boundaries are on cardinal courses six miles apart, inclosing an area of 36 square miles, which is subdivided into sections of one square mile. Certain sections are normally fractional—that is, they contain more or less than 640 acres; and there are also many fractional townships, which contain less than 36 sections.

Example:

1. ... township 9 north, range 12 east of the Black Hills meridian.

Each reference meridian has its own base line, and therefore the words "and base line" are usually omitted. For example, "T. 5 S., R. 11 E. of the Willamette meridian" means "township 5 south of the associated base line, in range 11 east of the Willamette meridian."

Where parts of townships are to be listed, the reference is always by section number according to the official plat. Parts of sections are described by half or quarter section (N½; E½; SW¼; etc.), and half-quarter or quarter-quarter section (N½NE¼ sec. 18, meaning "the N½ of the NE¼ of section 18"). Note that a quarter-half section is never used. These terms give the so-called aliquot parts of 640 acres as contained in a regular section. Lot numbers are usually employed to designate fractional units of the section—that is, other than quarter-quarter units of 40 acres each; but occasionally a subdivision smaller than a quarter-quarter section is used, such as

E½NW¼SW¼. Where terms for aliquot parts are spelled out, "half" and "quarter" are used, not "one-half" and "one-quarter."

Use of Full Forms and Abbreviations

The principal abbreviati ons used are as follows:

Range(s)	R., Rs.
Section(s)	sec., secs.
Township(s)	T., Tps.
North	N.
Northeast	NE.
	etc. . . .

But note that the period is omitted after N, NE, S, SE, etc., in indicating aliquot parts of sections (S½NW¼ sec. 8). The association of a fraction with one or two letters indicating a direction is to be regarded as a symbol (rather than an abbreviation), and for this reason no period is required. Thus "NW¼" is a symbol meaning "the northwest quarter of." When two or more such symbols are written together, there should be no space between them (W½NE¼SE¼ sec. 21).

The name of the reference meridian should be spelled in full.

Examples:

2. Gila and Salt River meridian.
   sixth principal meridian.

Avoid abbreviations, such as G. & S.R.B. & M. or 6th P.M.

As the name of the reference meridian appears only once in the description or on the map, the formality of the action justifies using the full proper name. This will frequently avoid any uncertainty which may attach to the use of abbreviations.

The words "township" and "range" and the designations "north" or "south", "east" or "west", are frequently employed in full and not capitalized, especially in descriptions that involve few repetitions; but these terms are abbreviated and capitalized in all extensive schedules. Any number of associated townships may be grouped in the descriptive text, and appropriate abbreviations employed.

Examples:

3. Townships 18, 19, and 20 north, range 14 west of the Boise meridian.

4. Townships 5 north, ranges 22, 23, and 24 east of the Cimarron meridian.

5. Tps. 9, 10, 11, and 12 S., Rs. 12 and 13 W. of the fifth principal meridian.

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Where two or more units are associated in the description, the plural form "townships" should always be used, even though all the townships have the same number north or south of the base line; the term "range" is employed in the singular or plural as the meaning may require.

Examples:

6. Tps. 4 and 5 N., R. 14 W.

7. Tps. 3 S., Rs. 16 and 17 W.

Preferred Order

The preferred order, either in the text or in tabulations, is to begin with the lowest-numbered section in each township, giving first the lot numbers in order, then the subdivisions within each quarter section, in the order NE, then the NW, SW, and SE; if parts of the quarter sections are to be described, the same order is to be observed. If a number of townships are included, the primary order is determined by the range number beginning with the lowest, and within each range by the township numbers, also beginning with the lowest.

Examples and norms:

8. Lots 21 and 22, sec. 31, township 39 south, range 4 west of the Salt Lake meridian.

9. S½SW¼NE¼ and S½SE¼NW¼ sec. 4, township 14 south, range 7 west of the Fairbanks meridian.

10. SW¼SW¼ sec. 4, SE¼SE¼ sec. 5, NE¼NE¼ sec. 8, and NW¼NW¼ sec. 9, township 26 south, range 3 west of the New Mexico principal meridian.

11. SE¼NW¼ sec. 4, T. 12 S., R. 15 E., and SE¼SE¼ sec. 32, T. 10 S., R. 22 E. of the Boise meridian.

12. Mount Diablo Meridian

T. 45 N., R. 21 E., secs. 1 to 5 and secs. 8 to 17, inclusive;
T. 46 N., R. 21 E., secs. 20 to 29 and secs. 32 to 36, inclusive;
T. 45 N., R. 22 E., secs. 4 to 9 and secs. 16 to 18, inclusive;
T. 46 N., R. 22 E., secs. 19 to 21 and secs. 28 to 33, inclusive.

13. Salt Lake Meridian

T. 41 S., R. 9 W., secs. 7 and 17;
T. 41 S., R. 10 W., W½SE¼ sec. 28, and W½E½ sec. 33 (unsurveyed);
T. 41 S., R. 11 W., secs. 34 to 36, inclusive.

14. Black Hills Meridian

T. 3 S., R. 1 E., sec. 8, SE¼;
sec. 21, all;
sec. 28, E½, N½NW¼, and NE¼SW¼;
sec. 33, NW¼NE¼, NE¼NW¼, SW¼NW¼, and SW¼;
sec. 34, W½E½, W½, and W½SE¼SE¼.
T. 5 S., R. 2 E., sec. 6, N½;
sec. 34, N½.
T. 5 S., R. 3 E., all.
T. 6 S., R. 3 E., sec. 4, lots 2 and 4, SW¼NE¼, S½NW¼, and SE¼.

Description by Perimeter

The proper form of description for all tracts bounded by public-land survey lines, regardless of the size and irregularity of the tract concerned, is the form shown in the preceding examples.

As the plan of survey of the public domain contemplates the identification of all legal subdivisions by the direct nomenclature outlined above, such form of description is to be preferred to one specifying the boundaries of a tract by the courses and distances of its perimeter along certain township, section, or minor subdivision lines. The perimeter method of description necessitates platting the tract before reference can be made to the tract-book records of the General Land Office.

Short Descriptions and Long Descriptions

Short descriptions should be embodied in the regular paragraphing; long descriptions should be arranged in tabular form.

For examples, see pages 6 and 7.

Subdivisions That Do Not Conform to Standard Specifications

In many of the very old surveys, especially in the southern public-land states, the township subdivisions and the units within the sections do not conform to all the standards shown above, and there are sometimes other complications that must receive special consideration. Under such conditions it is advisable to obtain a statement from the General Land Office in reference to the appropriate terms to be employed.

III. METES-AND-BOUNDS SURVEYS

Extreme caution should be exercised in copying old descriptions contained in deeds and other papers, on account of possible discrepancies, particularly in cities and along streams and lakes where there may have been changes in conditions, such as revision of width or alignment of streets, erosion or accretion along a bank, material change of water level, or changes in any other conditions that might cause an alteration of the boundary intended.

Notation should always be made of all surveys that corner at a common monument or that adjoin along one or more coincident lines.

Point of Beginning

All metes-and-bounds surveys and descriptions should indicate a definite point of beginning, by specific reference to an established monument or well-known feature of topography. A notation of the precise geographic position of the initial point should be made, if known, but qualified if the data are approximate. Values expressed in degrees, minutes, and seconds are preferred, but the equivalent for the seconds given as a distance in feet or meters is found in some data.

The information furnished regarding the point of beginning should be sufficient to enable a competent surveyor to find it and to be satisfied that he has identified it correctly. The general location (State, county, etc.) is usually given in the first part of the Executive order or proclamation and need not be repeated in describing the initial point of the tract.

The principal means of identifying the point of beginning are illustrated in the following examples. Note that clarity in the description depends largely upon the arrangement of clauses, punctuation, and paragraphing.

Examples and norms:

15. Beginning at corner No. 1, not monumented, on the west shore of Nushagak Bay, at the line of mean high tide; this corner is identical with the southeast corner of U. S. Survey No. 66; from this point witness corner No. 1, marked by a pine post, 4 in. square, firmly

set, standing 4 ft. above the ground, bears N. 70° 52' W., 159 ft. distant, marked WC COR 1.

16. Beginning at point No. 1, which is coincident with monument No. 11 of lot 2561, cadastre 99, case No. 1.

17. Beginning at corner No. 1, which is marked by a cross (X) on the surface of a slate-rock outcrop, on the north bank of Kuiu Island, in the Bay of Pillars, at the line of mean high tide; this corner is identical with corner No. 4 of U. S. Survey No. 962; the approximate geographic position is in latitude 56°35'30" N., and longitude 134°15'15" W. from Greenwich; from this corner a spruce, 8 in. diam., bears N. 64° W., 86 links distant, marked TM 1 MC FIP BT; and a spruce, 6 in. diam., bears S. 18° E., 30 links distant, marked TM 1 MC FIP BT.

An exception to the above rule is found in tracts that are described as lying between certain parallels and meridians, for in them there is no "point of beginning."

Example:

18. All that area lying between parallels 54°49' and 55°20' north latitude and meridians 161°38' and 162°44' longitude west from Greenwich.

Direction of Lines

The direction of lines may be given by angular measure within the normal quadrants, as ordinarily practiced by surveyors, or by means of azimuth angles as practiced in large-scale geodetic and topographic surveying. The directions should be referred to the true meridian.

Quadrant angles. It is to be assumed, unless otherwise stated, that the directions which are indicated by angular measure within the four quadrants (e. g., N. 70° 19′ E.) are to be interpreted as "rhumb bearings"—that is, that the line maintains a constant angle with the meridian throughout its length. The explanation here noted is relatively unimportant on short lines, but is of large importance on long lines where accuracy is required. Short lines are usually treated as direct arcs of great circles. The intention should be considered when writing the description. (See Azimuths, below.)

Parallels of latitude, all lines of the United States rectangular surveys (except true north-south lines) and most State, landgrant, and reservation boundaries are rhumb lines.

Example:

19. Thence S. 15°41' E., 473.8 ft., to point No. 4;
Thence east, 5,000 ft., to point No. 5.

Azimuths. The directions of lines may be indicated by azimuth angles if the base data have been determined on that plan and if it is intended that the courses are to be on great circles rather than rhumb lines. On long lines, where the differences in recorded values would be appreciable, it is important that both forward and back azimuths be given.

At any two points on a great circle the forward and back azimuths of the line differ by 180° plus or minus the angle of convergence of the meridians passing through the points. This is inappreciable on short lines excepting where the angles are recorded to the nearest second.

In the various Government surveys azimuths are usually reckoned clockwise from true south, whereas in some textbooks it is indicated that azimuths are reckoned clockwise from true north. In order to avoid ambiguity it is desirable, therefore, to add in parentheses, usually in connection with the first azimuth reading, "measured clockwise from true south" or "measured clockwise from true north," as the case may be.

Examples and norms:

20. From said monument the azimuth (measured clockwise from true south) and distance to monument "M" is 129°08'00", 38.4 ft.

21. . . . thence by true azimuths and distances as follows:

202°12'00", 82.50 ft. to monument No. 2;
158°17'45", 189.70 ft. to monument No. 3;

22. Beginning at monument No. 1, from which the azimuth (measured clockwise from true south) and distance to U. S. Coast and Geodetic Survey triangulation station Mount Walsh is 191°57'28", 5,937.4 meters; the back azimuth is 11°58'40".

Indication of "to" and "from." It is of primary importance that the language of the text shall indicate clearly the point occupied in reading the bearing which is given. This is frequently done by stating that the bearing (or forward azimuth) from one station to another station is so and so.

As the description of a tract usually reads from one turning point to the next, in regular sequence, there is less danger of ambiguity in the body of the description than in the citation of witness corners and other points of reference by which the initial point, and sometimes additional points, are identified.

Descriptions are greatly simplified by giving directions (or forward azimuths) from the occupied point, as shown by what precedes, to the companion station with which it is to be correlated by what follows. The language of any other form of description should be framed with utmost care to avoid uncertainty in what is intended.

Examples and norms:

23. Beginning at monument No. 1, which is a concrete post, 24 in. long, 6 in. square, set 18 in. in the ground, from which the azimuth (measured clockwise from true south) and distance to a concrete monument, known as station "D" of the U. S. Coast and Geodetic Survey, is 188°12'00", 270.45 ft.; from said concrete monument "D" the azimuths and distances to other U. S. Coast and Geodetic Survey triangulation stations are:

To Puena 61°28'01", 27,448 ft.,
To Maili 25°01'23", 47,153 ft.

Example of poor form:

Beginning at a concrete monument No. 1, said point is by true azimuth and distance to concrete monument "D", 08° 12′ 00″, 270.45 ft. The azimuths and distances referred to the following U.S.C. & G.S. triangulation stations:

Puena—61°28′ 01″, 27,448 ft.
Maili—25°01′ 23″, 47,153 ft.

Note the following objectionable features in this form:

(*a*) The clause "said point is by true azimuth and distance to concrete monument 'D' 08° 12′ 00″, 270.45 ft." is ambiguous. It fails to indicate whether monument "D" is approximately north or south of monument No. 1 in two respects: it does not say "from" one monument "to" the other; and it does not indicate whether azimuths are measured from true south or from true north.

(*b*) The second sentence is ungrammatical and ambiguous in saying "The azimuths and distances referred to . . . "

(*c*) It is not clear whether the Puena and Maili azimuths and distances relate to monument "D" or to monument No. 1, nor is it clear whether the directions given are those from one of these monuments to the triangulation stations, or vice versa.

24. Beginning at monument No. 1, which is a concrete post, 6 in. square, standing 6 in. above the ground, from which the azimuth (measured clockwise from true south) and distance to monument "0" is 309°08'00", 38.4 ft.; from said monument "0" the azimuth and distance to U. S. Coast and Geodetic Survey triangulation station Pupukea is 275°28'02", 2,740.46 ft.

Example of poor form:

Beginning at concrete monument No. 1, which is 6 in square and stands 6 in. above the ground, said point is by true azimuth and distance to concrete monument "O" 309° 08′, 38.4 feet. The azimuth and distance referred to U.S.C. & C.S. triangulation station Pupukea are 275° 28′ 02″, 2,740.46 ft.

Magnetic declination. A record of the magnetic declination taken at the initial point is desirable, and although not essential either to the survey or to the record, it is frequently helpful to surveyors engaged upon a retracement of the lines.

Descriptions in Sequence and Closure

Descriptions should be given in regular sequence along the entire boundary, each course written on a new line, with notation of the return to the point of beginning. Notation should always be made of any course that is coincident with the line of another survey.

Example:

25. . . . thence from said point No. 1, by metes and bounds,

N. 71°22' E., 361.98 meters, to point No. 2;
S. 31°03' W., 122.24 meters, to point No. 3;
S. 87°46' W., 280.17 meters, to point No. 1, the place of beginning.

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Conventional Marks and Abbreviations

The conventional marks for degrees (°), minutes (′), and seconds (″) of arc should usually be employed in giving the direction of lines.

No such marks will be used to indicate the length of lines, nor for abbreviations of dimensions of monuments. Feet and inches should never be indicated as in a carpenter's abbreviation. Thus 35 feet 7 inches should not be written as 35′ 7″; it may be abbreviated 35 ft. 7 in.

The most frequently used abbreviations are given below in proper form:

Chain(s)	ch., chs.
Foot (feet)	ft.
Inch(es)	in.
Link(s)	lk., lks.
Mile(s)	mi.

Units of Measurement

Preference should be given to the unit of measurement ordinarily employed in the locality for that particular class of surveys, as the foot unit in town-site subdivisions, the chain unit in the public-land surveys, the meter as employed in the cadastral surveys of the Philippine Islands and elsewhere, or the vara in the land surveys of the State of Texas; showing with the latter, the conversion factor to feet.

Date and Method of Survey

The date of the observations made for a determination of the true meridian should be given, and a statement of the method employed.

Examples:

26. The survey was made February 1, 1929; the bearings of the lines were determined by needle compass, allowing a variation of 30°00′ E., and are intended to refer to the true meridian.

27. The survey was made June 9, 1930; the azimuths are measured clockwise from the true south and were determined by deflection angles carried from triangulation station "D", described above; the magnetic declination was not recorded.

Complete Examples and Norms

The examples and norms given below illustrate all the preceding specifications and rules relating to the descriptions of metes-and-bounds surveys.

Examples and norms:

28. Beginning at a point on the southern boundary of the Fort Davis abandoned military reservation, not monumented, from which the southwest corner of the reservation, marked by a spruce post, 4 in. square, standing 24 in. above ground, bears N. 72°35′ W., 2,120 feet distant, marked U S M R.

Thence from said initial point, by metes and bounds,

N. 17°25′ E., 400 ft.;
East, 1,200 ft.;
S. 17°25′ W., 759 ft., to a point on the south boundary of the reservation;
Thence along said reservation boundary,
N. 72°35′ W., 1,145 ft., to the place of beginning.

The directions of the lines refer to the true meridian; no survey of the tract has been made, nor monuments established at its corners; and there is no record of the magnetic declination. The tract as described contains an area of 16.056 acres.

Example of poor form:

Beginning at a point on the southern boundary of the abandoned military reservation of Fort Davis, Alaska, which bears south 72° 35′ east 2,120 feet from 4″ x 4″ post marked U. S. M. R., at the southwest corner of said abandoned reservation and extending thence north 17° 25′ east 400 feet; thence due east 1,200 feet; thence south 17° 25′ west to the southern boundary of the Fort Davis abandoned military reservation; thence along said boundary to place of beginning, 16.056 acres, more or less.

Note the following objectionable features in this form:

(*a*) The bearing of the line between the initial point and the reference point is given backward from the reference point instead of forward from the initial point.

(*b*) The first line bounding the tract is poorly described in the words "beginning at a point . . . and extending thence . . ."; it is preferable, having defined the location of the initial point in a separate paragraph, to define in a separate paragraph each line forming a portion of the boundary.

(*c*) The length of the third line, south 17° 25′ west to the southern boundary of the Fort Davis abandoned military reservation, is not given.

(*d*) Neither the bearing nor the length of the closing line is given.

29. Beginning at a point marked by a concrete monument, 24 in. long, 6 in. square, set 18 in. in the ground, the geographic position of which, referred to the Canal Zone triangulation system, is in latitude 9°17' N. plus 3,973.94 ft. and longitude 79°54' W. plus 3,821.44 ft. from Greenwich.

Thence from said initial point, by metes and bounds,

East, 719.70 ft., to a concrete monument similar to the one described above;
North, 670.59 ft., to a similar monument;
West, 814.14 ft., to a similar monument located at a point 16 ft. east of the east curb of the Bolivar Highway;
Thence continuing on courses parallel to and 16 ft. distant from the east curb of said highway, S. 9°19' E., 438.30 ft., to a similar monument;
Thence on a curve to the right, with a radius of 1,864.50 ft., 239.30 ft. along the curve, the chord of which bears S. 5°38' E., 239.23 ft., to the place of beginning.

The survey was made May 16, 1929; the directions of the lines refer to the true meridian and were determined by deflection angles from known azimuths of the Canal Zone triangulation system. The parcel of land is shown on drawing S–6100–63, approved June 12, 1929, on file in the office of the Section of Surveys of the Panama Canal. The magnetic declination was not recorded. The tract as surveyed contains 11.7 acres.

All that certain tract of land situated on the island of Jolo, in the municipality of Jolo, included within the metes and bounds described as follows:

Beginning at point No. 1, which is coincident with monument No. 11 of lot 2561, cadastre 99, case No. 1; thence

N. 71°22' E., 361.98 meters, to point No. 2;
S. 31°03' W., 122.24 meters, to point No. 3;
S. 87°46' W., 280.17 meters, to point No. 1, the place of beginning.

Points Nos. 1, 2, and 3 are identical with monuments Nos. 11, 10, and 9, respectively, of lot 2561, described above, the plat of which, approved March 17, 1926, is on file in the office of the Insular Surveys, Philippine Islands. The directions of the lines refer to the true meridian and were determined by altitude observation on the sun April 30, 1928. The magnetic declination was not recorded. The tract contains an area of 14,297.21 square meters, or 3.53 acres, more or less.

Other Field-Note Forms of Description

Examples 15 to 30 are arranged as far as possible for ordinary descriptive statements, and can be used for most descriptions, but some boundaries are defined almost entirely by references to witness corners, by connections to natural objects or improvements, by various forms of triangulation data, locations by intersecting lines, etc. Few such boundaries become the subject of an Executive order or proclamation, but where they do the draft should conform to the engineer's field-note form of record, supported by a diagram or map. The technical record should be followed literally, and therefore examples of such descriptions are not presented.

IV. TRACTS SHOWN UPON MISCELLANEOUS PLATS

Descriptions dealing with miscellaneous tracts of land where subdivisions of an official character, but not related to the original survey of the public domain, have been established by competent authority, should refer to the specific recorded plat, the office where the plat is to be found on file, the date of the plat, the approving or certifying authority, and, for the purpose of the Executive order or proclamation, the designations relating to the particular tracts involved, as by block and lot numbers.

V. BOUNDARIES CONFORMING TO NATURAL FEATURES OF TOPOGRAPHY

In some tracts natural boundaries are preferred, the intent being to follow the bank or center of a certain stream, a divide, or the crest of some mountain range, etc. The whole question here is as to what is intended, and the purpose should be to describe the boundary unmistakably, in a manner free from debatable elements.

The question of what has been intended and how such natural boundaries are to be identified and determined has frequently been the subject of litigation, mostly because of a failure to be specific in minor details along the boundary. Large values, unknown when the description was written, have frequently been placed in controversy in this way. Some of the questions that may arise are as follows:

> Which fork of a stream should be followed, or which bank, or high-water mark, mean high-water or low-water mark, or was the medial line intended, or the thread of the main channel, and what disposition is to be made of the islands?
>
> What shall be the line on a divide that flattens to no appreciable slope, and what of the peak named as a turning point and subsequently found not to be on the main divide?
>
> Do the courses and distances from peak to peak control, or is the divide to be followed in all its sinuosities?

VI. UNDESIRABLE FORMS OF BOUNDARIES

Boundaries to be established or perpetuated in an Executive order or proclamation should be acceptable and practicable from the standpoint of both the engineer and the administrative agency. This is a question of the nature of the boundary line, not of the terms in which it is described.

If an Executive order or proclamation has been drafted for transmission to the President, and if on review it should be noted that the boundary line as described in the draft is impracticable or objectionable, the matter should be examined to determine whether a line of better type can not be selected.

As an example of a type of boundary to be avoided is cited a boundary that was defined as following a line parallel to a tortuous railroad at a distance five miles to the east. It was intended to indicate a line whose sinuosities should duplicate those of the railroad, but the line is very impracticable, expensive to demarcate, and altogether undesirable.

Boundaries of tracts included in the public domain should conform to the approved subdivisional surveys whenever practicable. This is so desirable that where withdrawals have been made in advance of survey a subsequent adjustment to the lines of legal subdivision is effected if such adjustment is then ascertained to be possible.

> "Hereafter, upon receipt of the returns of a survey, the Commissioner of the General Land Office shall cause the tract books in his office to be examined and if it appears that any part of the area stands withdrawn in advance of survey upon any recommendation of any bureau of this or another department, he shall ascertain whether the lands so withdrawn are capable of adjustment by reference to the legal subdivisions shown upon the plats of survey, and if so, upon acceptance of the survey, he will advise the proper local land officers of such adjustment, in order that notation thereof may be made upon their records." (42 L. D. 318.)

VII. MAPS

A map is often indispensable to the engineer who drafts the description of a tract of land and to the officer who critically reviews the Executive order or proclamation before it is transmitted for signature by the President. In order to check the textual description it may be absolutely necessary to visualize the tract with the aid of an authentic map, and under some conditions it is desirable to include a small map as an integral part of the Executive order or proclamation.

A large map should be employed only as a supplement to an Executive order or proclamation. In attaching maps the fact has frequently been overlooked that all proclamations are published in the Statutes at Large. In that publication the maps are always reduced to the size of a single type page (5.25 by 8.5 in.) and are printed in black only. Many maps that appear in the Statutes have been so greatly reduced as to be almost worthless.[1]

A typical example is the map which accompanied the proclamation dated June 13, 1928, entitled "Ozark National Forest, Arkansas (seventh proclamation)." The original map measured 30.6 in. wide and was drawn in black, red, and purple. When reproduced in the Statutes at Large (45 Stat. 2953), it was necessarily reduced to 5 inches in width and printed only in black; the resulting map and legend are wholly illegible. As the tracts are not textually described, the proclamation is of little value in the form in which it appears in the Statutes at Large.

A map that is made a part of an Executive order or proclamation usually has to be reduced for publication in book form. Where the details of the map will not stand reducing it is preferable to avoid making the map an integral part of the Executive order or proclamation. The text may be amplified to include a precise description, or a statement made indicating that a map is filed in the Department of State as an official supplement upon which have been shown the boundaries described. The map supplement will be filed in the archives of the Department of State (where the signed original of the Executive order or proclamation is filed) and will always be available for reference. Full-scale photolithographic copies of maps may be folded and attached to printed copies of Executive orders and proclamations if desired for administrative use or distribution to the public apart from the bound volumes.

[1] Executive orders are not printed in the Statutes at Large, and heretofore they have not been assembled for publication in volume form; but at the date of this report the Department of State has made tentative plans for such publication annually.

Maps have been employed with many Executive orders and proclamations and their value for portraying necessary detail and for simplicity, clarity, and avoidance of error is well understood; but it is obvious that this value may be entirely lost if the map is too greatly reduced for publication in book form. Many of the maps are of very great administrative value, and the need of them is best determined by the originating office.

In accordance with the principle that an official plat or map cited in a legal document is in fact an essential provision of such document fully as much as if a copy had been incorporated as an integral part of it (as a reference in a deed to an official plat of a land subdivision), there is no known objection to omitting the publication of large maps as an integral part of Executive orders and proclamations, giving instead the necessary citations in the form of title, map identification, date, and indication of the office where the official supplement may be found.

The paragraph following the description of the tract or tracts might read substantially as follows:

> The boundaries (or tract) described above are shown upon Bureau (or other agency) map filed in the archives of the Department of State, entitled ----------, dated ----------, supplementing this Executive order or proclamation.

In view of all the facts, it is recommended that maps be made an integral part of Executive orders and proclamations only when the scale and detail are suitable, as follows:

(*a*) *Size.* A map that is to be made an integral part of an Executive order or proclamation should always be so drawn that it may be reproduced within the size of a single page. The reduction in making a printing plate should not be greater than one-half, and it is better not to exceed one-third reduction. The maximum dimensions of maps are given below:

Printing plate	5.25 x 8.5 in.
Drawing (for ½ reduction)	7.9 x 12.8 in.
Drawing (for ⅓ reduction)	10.5 x 17.0 in.

(*b*) *Color.* Maps to be made an integral part of an Executive order or proclamation should be drawn in black only, or should be legible when reproduced in black only. Colors may be used as advisable on maps that are to be employed as supplements.

(*c*) *Detail.* The lines should be of such weight and the lettering of such gages as to be legible when reduced for publication.

(*d*) *Geographic names.* The spelling of geographic names should conform to the decisions of the United States Geographic Board, or to departmental usage where no Geographic Board decisions have been rendered.

(*e*) *Title.* Each map should bear a title which is related to the title of the Executive order or proclamation; if appropriate, it should be identical with the title of the order.

(*f*) *Parallels and meridians.* Each map should show two or more parallels and meridians, with the latitude or longitude of each.
(*g*) *Scale.* Each map should carry an appropriate bar scale.
(*h*) *Identification.* Each map should indicate the originating Government department, bureau. or other agency; and that it is a diagram or a map annexed to and forming a part of, or that it is an official supplement to, the Executive order or proclamation dated ----------.
(*i*) *Date.* Each map should show the same date as that of the Executive order or proclamation (the date to be supplied by the Department of State).

In addition the map may appropriately bear:

(*j*) A list of the sources upon which it is based.
(*k*) A statement in reference to the accuracy of the data, and a record of the surveys that have been made for the special purpose of the Executive order or proclamation.

Example of map title, etc.:

31. Title: Nantahala National Forest, North Carolina, South Carolina, and Georgia.
Scale: Bar scale.
Authorship and sources: Compiled under the direction of T. W. Norcross, Chief Engineer, United States Forest Service, from plats of land subdivisions and deeds on file at the several county seats, topographic maps of the United States Geological Survey, maps of the Corps of Engineers, War Department, and surveys made in 1927 and 1928 under the direction of the Forest Service. The geographic positions are derived by connections to triangulation stations established by the United States Coast and Geodetic Survey.
Legend: Showing amended boundaries and transfers of title.
Identification: United States Department of Agriculture, Forest Service, Washington, D. C.; map annexed to and forming a part of (or supplementing) Executive Order No. ...., (or proclamation) dated ....

Examples of the text of an Executive order or proclamation:

32. ... that there are hereby reserved ... all those pieces and parcels of land ... shown as ... upon the diagram hereto annexed and made a part hereof ...

33. ... that there are hereby reserved ... all those pieces and parcels of land ... shown upon Bureau (or other agency) map filed in the archives of the Department of State, entitled ..., dated ..., supplementing this Executive order (or proclamation).

VIII. THE CHOICE BETWEEN AN EXECUTIVE ORDER AND A PROCLAMATION

A proclamation is usually an announcement by the President relating to the qualifying conditions of some act of Congress. Proclamations are usually of wider public importance than Executive orders and less subject to subsequent modifications. All proclamations are published in the United States Statutes at Large; Executive orders are not. In contrast, it appears that an Executive order is invariably an action suited to a more limited and particular purpose and of such a nature that it need not be given the publicity of a proclamation.

Most Executive orders and proclamations relating to land are designed to set apart selected portions of the public domain for the military and naval requirements of the Federal Government, national parks, forests and monuments, lighthouse and life-saving stations, game and bird refuges, for various administrative uses, or for classification in aid of proposed legislation. These are termed reservations or withdrawals and usually are the subject of Executive orders. If any such area is subsequently abandoned for the purpose intended, either in whole or in part, an Executive order is issued restoring the lands for disposal under the law applicable thereto.

The exercise of authority to reserve public land for public use has always rested in the discretion of the President subject to regulations provided by law.

In 13 L. D. 426 it is held (syllabus):

> "There is no specific statutory authority empowering the President to reserve public lands; but the right of the Executive to place such lands in reservation, as the exigencies of the public service may require, or in aid of a proposed statute is recognized and maintained in the courts.
> "The reservation of public lands from disposition may be effected either by proclamation or Executive order."

In 6 L. D. 317 it is stated (syllabus):

> "The President is vested with general authority in the matter of reserving land for public uses, and land so set apart is not subject to disposition under the public land laws during the existence of such reservation."

The act of June 25, 1910 (36 Stat. 847), provides that the President may at any time in his discretion temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including Alaska, and reserve the same for water-power sites, irrigation, classification, or other public purposes to be specified in

the orders of withdrawal, such withdrawal to remain in force until revoked by him or by an act of Congress.

The national forests are uniformly established by proclamation, as required by the act of March 3, 1891 (26 Stat. 1103):

> "Sec. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

As amended (30 Stat. 34, 36), it provides in part as follows:

> "That, to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests."
>
> "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve."

The general practice is to establish the national forests by means of proclamations and subsequently to modify the boundaries thereof by Executive orders, as appropriate.

The presidential authority for creating national monuments is contained in the act of June 8, 1906 (34 Stat. 225), which provides in part as follows:

> "Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: . . ."

National monuments have been uniformly established by proclamation. However, pending the establishment of a monument it has been the practice to withdraw the land by Executive order, preliminary to a survey and an investigation to determine its suitability.

Similarly, where some different purpose is to be served, the terms of the enabling act are always followed, but if not specified therein the choice between an Executive order and a proclamation is made by following the accepted precedents. A typical example of such enabling clause is found in the act of March 3, 1893 (27 Stat. 593), as follows:

> "*Provided*, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."

IX. PROVISIONS OF EXECUTIVE ORDER NO. 5658

The text of the order governing the drafting of Executive orders is as follows:

EXECUTIVE ORDER

FORM, STYLE, AND SAFEGUARDING OF EXECUTIVE ORDERS AND PROCLAMATIONS

For the purpose of securing greater uniformity in the form and style and for the better safeguarding of the texts of Executive orders and proclamations, Executive Order No. 5220 of November 8, 1929, entitled "Uniform Style and Safeguarding of Proclamations and Executive Orders," is hereby rescinded and superseded by the following regulations.

1. The draft Executive orders and proclamations shall be prepared as follows:

(*a*) Punctuation, capitalization, orthography, and other matters of style shall conform to the most recent edition of the "Style Manual of the Government Printing Office."

(*b*) The spelling of geographic names shall conform to the most recent decisions of the United States Geographic Board (see Executive Orders No. 27–A of September 4, 1890, and No. 399 of January 23, 1906).

(*c*) Descriptions of tracts of lands shall conform, so far as practicable, with the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations" prepared by the Board of Surveys and Maps of the Federal Government.

(*d*) A suitable title shall be provided.

(*e*) The typewritten drafts shall be double-spaced, on paper 8 by 12½ inches, and shall have a left-hand margin of 2 inches.

2. The draft Executive orders and proclamations shall be forwarded in quadruplicate to the Department of State. That department shall review them and, upon its being ascertained that they conform with the above specifications, shall transmit the original and one additional copy to the President.

3. The Department of State shall have custody of the signed originals of all Executive orders and proclamations and shall supervise their publication.

HERBERT HOOVER

THE WHITE HOUSE,
June 24, 1931.

X. STYLE AND EDITORIAL ARRANGEMENT

As not even the slightest change can be made in an Executive order or proclamation after it has been signed by the President, and as the printed copies must agree with the signed original in every particular, including punctuation and capitalization, Executive Order No. 5658, quoted above, stipulates the specifications to which draft documents shall conform before they are sent to the President. As required by Executive order, the Department of State reviews the draft document before forwarding the original to the President for signature. In the process no factual or other radical changes are made without reference to and permission from the originating office.

The Department of State has generally found it necessary to have the draft copies of Executive orders and proclamations retyped before sending them for signature. The digressions from proper style that have been of the most frequent occurrence have led to the following suggestions, which if followed by the originating offices will expedite the satisfactory completion of the papers:

1. Titles

The title should indicate, in two or three lines: (*a*) either the purpose or the content of the document, and (*b*) the geographic locality of the area, as the State or Territory, with further details of location whenever appropriate, if they can be briefly indicated.

The titles of Executive orders and proclamations are usually arranged in three lines all in capital letters, with no periods at the ends of the lines. The following examples show that in a proclamation the order of the lines of the title is the exact reverse of that in an Executive order:

(*a*) EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND

COLORADO

(*b*) ROCKY MOUNTAIN NATIONAL PARK—COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The wording of a title becomes a matter of considerable importance in the indexing, and when a draft of an Executive order or proclamation is received in the Department of State, its title is changed, if necessary, to conform to previously established precedent, or a new title is substituted, which will be subsequently used as a model in similar documents.

2. Body

The body of the orders and proclamations is typed with special care given to the following points:

(*a*) The text is double spaced, and a margin of 2 inches is allowed at the left for binding.

(*b*) All lead words, used ordinarily only in proclamations, are typed all in capitals. The most common are WHEREAS; NOW, THEREFORE, I, HERBERT HOOVER; IN WITNESS WHEREOF; and DONE.

(*c*) No comma appears after the lead word in such expressions as: WHEREAS it appears.

(*d*) Citations and references are complete and exact. A citation from the Statutes is inserted after a reference to any act of Congress. Executive orders are identified by number and date wherever possible. The best forms for both follow:

An act of Congress approved June 25, 1910 (36 Stat. 847), Executive Order No. 2900, dated July 2, 1918.

(*e*) Words that would be in italic if printed are underscored:

... in section 4 hereof: Provided,
That ... or independent office of the Government concerned: Provided further, That
any such employee ...

(*f*) Date line and paragraph. An Executive order has a two-line arrangement for the date, placed at the end of the order and to the left. The use of all capitals, the end punctuation, and the blank left for the day of the month in the following example should be observed.

THE WHITE HOUSE,
July , 1930.

The date paragraph of a proclamation is typed in lines that will conform to the outline of the seal (approximately 3½ inches in diameter) when it is affixed, in order that the date may not be obscured. Note the arrangement and phraseology of the following form:

DONE at the City of Washington this day
of (month), in the
year of our Lord
nineteen hun-
dred and
thirty-one,
and of
—3 1/2 in.— the Inde-
pendence
of the
United States
of America the
one hundred and
fifty-sixth.

By the President:

(6 spaces)

Secretary of State.

3. Citations and references

The capitalization, punctuation, and abbreviations in the following examples should be noted:

(*a*) As amended by the act of August 24, 1912 (37 Stat. 497), approved . . .

Not: As amended by the Act of August 24, 1912, (37 Stat., 497), approved . . .

(*b*) The act entitled "An act to provide a government . . ."

Not: The Act entitled, "An Act To provide a government . . ."

(*c*) As found in section 473, title 16, U. S. Code; *or*
As found in U. S. Code, title 16, section 473; *or*
(U. S. Code, title 16, sec. 473), *as a parenthetical reference.*

Not: As found in Section 473, Title 16, U. S. Code.

4. Capitalization

Capitalize:

Government of the United States

But government (abstract or general)
governmental

Department of State
State of New York
Executive Order No. 4720

But Executive order of May 12, 1921

5. Punctuation

(*a*) Commas are required as indicated in the following examples:

act of August 24, 1912 (37 Stat. 497), approved . . .
December 4, 1911, approved . . .
September, 1923
be, and are hereby,
rights, provisions, and limitations
settlement, location, sale, or entry
$1,260
2,372 feet

but not here:

entitled "An act . . ." (*no comma after "entitled"*)

(*b*) The comma and period are placed within quotation marks, as in the following examples.

The act entitled "An act to provide a government . . . ," as amended by . . .

He cited the act entitled "An act to provide a government for the Territory of Hawaii."

○

MSH 24390

END OF
TITLE